

â
C.A.No. 910 OF 2000
ITEM NO. 104 COURT NO.3 SEC.XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

C.A.No.910/2000

M/s. Ashok Kumar KalyanbhaiAppellant(s)

versus

Ramakant Sanoriya & Ors. Respondent (s)

Date: 11/11/2003 These Appeals were called on for hearing today.

CORAM:
HON'BLE MRS. JUSTICE R.C.LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant:Mr. R.P.Bhat,Sr.Adv.
Mr. Anip Sachthey,Adv.
Mr. Shriniwas B.Khacap,Adv.
Mr. E.Venu Kumar,Adv.

For Respondent(s)Mr. E.C.Agarwala,Adv.

UPON hearing counsel the Court made the following
O R D E R

We have heard learned counsel for the parties. The crux of the controversy centers around the property situated at Plot No.A-79 and A-80 Weavers Colony, opposite Bharat Nagar Transport Authority, Ashok Vihar Phase IV, Delhi. According to the appellant-tenant this is a vacant residential property and available to the respondents for residence. According to the respondent-landlords the property is situated in a remote area, The

-2-

colony is not fully developed. There is no water facility and no sewage line, and further, on the structure standing on the property there is a departmental store and a room for godown i.e. The entire property is being actually used for non-residential purpose.

Ms. Deepthi K. , advocate present in the Court , is appointed a Court Commissioner to visit plot Nos.A-79 and A-80 on 15.11.2003 at 11 a.m.. Notice is given hereby to the parties through their respective counsel of the date and time of execution of the Commission. The Commissioner shall inspect the property and give report on the following points:

- 1)What is the nature of construction standing over the plot No.A-79 and A-80 and to what user the property is being actually subjected;
- 2) Whether any part of property is vacant;
- 3) Whether there is any water connection and sewage line;
- 4) To what user the adjoining properties are being subjected.

The Commissioner's fee is quantified at Rs.5,000/-, to be shared equally by both the parties for the present. The Commissioner shall file the report within three days from the date of inspection. The Commissioner may take such measurements, as may be necessary, and draw a sketch of the property. Photographs may be taken, if

-3-

required. The services of photographer shall be made available by the respondent.

On or before Monday next, the respondent shall bring on record copies of documents of title relating to plots Nos.A-79 and A-80.

List the matter for hearing in next week.

(Suman Wadhwa) (Radha R. Bhatia)
Court Master Court Master